

Appendix E: Questions for INAC Legal Advisors

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1. INAC currently funds 35 emergency shelters in First Nation communities across Canada. Shelter operators have indicated that, when they have insufficient funds they must prioritize expenses and “make do” in the following ways:

- a. **Staffing:**

- ◆ Reduce staffing levels (through temporary lay-offs and/or termination) – often only one person on shift at any given time.
- ◆ Do not have relief staff (in case of crisis and/or staff illness).
- ◆ First to be let go are security staff, then outreach workers, then counselling staff.
- ◆ Eliminate staff training and development.
- ◆ Pay marginal wages (in some cases just a few cents more than minimum wage).

- b. **Services:**

- ◆ Reduce levels of service as staffing levels reduced (i.e., go from one-on-one counselling to group counselling).
- ◆ Close shelter for a period of time.

- c. **Physical facilities:**

- d. Cannot afford repairs to facilities and/or equipment, such as alarm system, washer & dryer, security light – simply go without.
 - e. Maintenance of the facility suffers.
 - f. Do not replace items, such as furniture, that is old, dusty and in disrepair.

They further reported that these compromises have the following impacts on the shelter, the staff, the women and families being served, and the community:

- a. **Staff:**

- ◆ Uncertainty in employment
- ◆ Staff overworked and face burnout
- ◆ Difficult to attract staff with appropriate level of skill and education
- ◆ Health and safety/security jeopardized

b. Women and families:

- ◆ Health and safety/security jeopardized
- ◆ Services are not available when they need them – may be turned away
- ◆ Quality of services suffer

c. Community:

- ◆ Community loses faith in the shelters' ability to help women, so do not support the shelter's existence
- ◆ Fewer people coming into shelter (people staying in dangerous situations)

In light of the above, what do you believe are the legal and policy implications of insufficient funding for shelters in First Nation communities?

2. The provinces are each responsible for funding off-reserve emergency shelters. What might be some of the legal implications if levels of funding varied substantially between on-reserve and off-reserve shelters in a particular province?
3. What are the legal implications of provinces paying per-diems only to some shelters that house off-reserve residents in on-reserve shelters and vice versa?
4. What other issues should be considered in developing a funding formula for First Nations emergency shelters across Canada?